

REMARKS

Claims 35-38, 42, 43, 45, and 46 are pending in the application. Claims 35-38, 42, 43, 45 and 46 were rejected.

Reconsideration and allowance of the claims as amended is requested for the following reasons.

The 112 Rejections

Independent Claims 35 and 46 were amended to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Support for the amendment is found in Applicants' specification on page 5, lines 10-13.

The 102 Rejections

Claims 35-36, 39, 42, and 46 were rejected under 35 U.S.C. 102(a) as being anticipated by Jiang et al (2003/0007538).

An amendment to independent claim 35 brings further clarity as to the emission of light. As is known in the art, direction of propagation of light is orthogonal to the polarization of the propagated light. Hence, the amendments modify the claims as follows:

1) polarization is clearly specified as being within the plane of the light emitting layer, while;

2) light propagation is specified as being orthogonal to the plane of the light emitting layer;

3) the orthogonal dimensions of the asymmetric geometric element are claimed as being within the plane of the light emitting layer;

4) additionally clarification of the uncontrolled orientations of the plurality of light emitting species has been addressed by using language directly from the specification at page 5, lines 10-13. Those skilled in the art know that the active layer material being used (Indium Gallium Arsenide) is highly ordered and crystalline in structure, therefore, the active layer 203 disclosed by Jiang does not contain random or uncontrolled orientations of light emitting species.

In contrast, Jiang discloses in Fig. 2A that the active area 203 propagates light within the plane of active area 203 before reflecting the propagated light with a mirror so that the light will exit the device. Jiang does not disclose any of the above four features of the claimed invention.

Applicants' invention initially propagates the emitted light orthogonally to the light emitting layer, thereby, eliminating the need for an additional optical element, such as a mirror external to the laser cavity. Moreover, Applicants' invention provides a means to produce polarized light that is not found in Jiang.

Applicants believe that independent claims 35 and 46 are novel, because at least one of Applicants' claimed features is missing in the cited art. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(a). The remaining claims are dependent from these claims and are considered to be patentable for at least the same reasons.

The 103 Rejections

Claim 37 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (2003/07538), in view of Spoonhower et al. (2004/190484).

Claim 43 was rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang et al. (2003/07538) in view of El-Bahar (2004/179566).

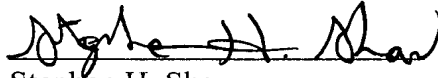
For the reasons stated above, Jiang does not disclose the claim features of Applicants' invention. Therefore, the Examiner has failed to make a prima facie case, because at least one of Applicants' claimed features is missing in the cited combinations involving Jiang et al.

In addition, the subject matter of the the cited art of Spoonhower et al. (2004/190484) and the claimed invention of the present application No. 10/668,415 were, at the time the invention was made, owned by a common assignee, Eastman Kodak Company.

Applicants have reviewed the cited art made of record, and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable. It is believed that the claims in the application are allowable over the cited art and such allowance is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen H. Shaw", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company's Patent Operations at (585) 477-4656.